

8. 2009SP-022-008

BL2014-767 \ HUNT

THE MANSION AT FONTANEL (AMENDMENT 4)

Map 49, Parcels 140, 200.01, 319; Map 40, Part of parcel 40

Council District 03 (Walter Hunt)

Staff Reviewer: Jason Swaggart

A request to amend the Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and located within the Floodplain Overlay District, to add approximately 1.97 acres into the SP (from approximately 136.04 acres to 138.01 acres total), relocate a private drive, increase the total number of resort rooms from 140 to 150, and amend various limitations for the Seasonal Performance Entertainment Venue, requested by EDGE Planning, Landscape Architects, applicant; Fontanel Properties LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Amend SP to add additional land, permit additional hotel rooms and amend Seasonal Performance Venue standards.

SP Amendment

A request to amend the Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and located within the Floodplain Overlay District, to add approximately 1.97 acres into the SP (from approximately 136.04 acres to 138.01 acres total), relocate a private drive, increase the total number of resort rooms from 140 to 150, and amend various limitations for the Seasonal Performance Entertainment Venue.

Existing Zoning

Specific Plan-Mixed Use (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes a mix of uses.*

Conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas should be used to preserve the rural character of the Whites Creek Historic District. The plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development should blend into the natural landscape and protect the existing views from Whites Creek Pike.

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features

The majority of this property contains steep slopes and floodplain. The floodplain is associated with Whites Creek that bisects the property. While the proposed amendment will permit additional development in an area with steep slopes currently designated as open space, it retains 75 percent (102 acres) of the site in open space.

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Natural Conservation (NCO) policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Natural Conservation with a Special Policy (NCO SPA 2) is intended to meet the intent of the standard NCO policy to preserve the large majority of the land in an environmentally constrained site while continuing to support its unique commercial operation.

Rural (R) policy is intended for areas that are physically suitable for urban or suburban development, but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

Consistent with policy?

Yes. The proposed amendment to the SP is consistent with the NCO SPA 2 policy because it maintains the unique commercial operations while preserving a majority of the site (75 percent) as open space, including a majority of the existing tree canopy. The proposal does not propose any changes along Whites Creek Pike so it does not have an impact on the rural character or the Rural policy that applies to the area in the SP along Whites Creek Pike.

PLAN DETAILS

The Mansion at Fontanel Specific Plan was originally approved in 2009. Since the original approval, there have been three amendments. The last amendment was approved in 2013 (BL2013-515). That amendment permitted a rural resort with 140 rooms. The approved rural resort will be located near the back of the site adjacent to the mansion. While there have been several Planning Commission and/or Council approved changes to the original plan, a majority of the development has progressed as originally approved.

May 22, 2014, Planning Commission meeting

Plan layout

This amendment consists of three changes which are as follows:

1. Add approximately 1.97 acres into the SP.
2. Increase the number of rooms permitted in the Rural Resort from 140 to 150.
3. Amend Seasonal Performance Entertainment Venue requirements.

The approximately 1.97 acres proposed to be incorporated into the SP is located to the north of the site. The 1.97 acres would bring the total land area in the SP from approximately 136 acres to 138 acres. The primary purpose of adding the area is to permit an existing drive to be relocated. Currently, the drive to the mansion bisects the amphitheater and the concession area. This has caused problems so the proposal would reroute the drive behind the concession area.

The SP defines a rural resort as "facilities owned and operated by a non-government entity for the purpose of providing a rural setting in which lodging, and/or conference, meeting and event facilities are provided for compensation. The use may also include a restaurant and/or banquet facilities and recreational amenities of a rural nature." While the use is defined in the SP as a rural resort, it is similar to a hotel use as defined in the Metro Zoning Code. The current rural resort is approved for 140 units.

The most substantial change is to the definition of Seasonal Performance Entertainment Venue. Following is the proposed definition (removed language is struck out and additional language is in bold and underlined).

"Seasonal Performance Entertainment Venue" means a commercial land use in which the principal activity is the provision of performance entertainment, including the sale of merchandise, food, drink, and alcohol, in an outside environment with permanent stage and stage shell without fixed seating, and associated temporary trailers and storage buildings. Events may take place between April 1st and November 30th. Events shall be limited to Friday, Saturday, or Sunday, **except that one event per month may be held on a weekday, during the months of April, May, September, October, and November. Events may occur on any day of the week during the months of June, July, and August. Events held Sunday through Thursday shall end by 10:30 p.m. Events held Friday and Saturday shall end by 11:00 p.m.** The maximum number of events in one calendar year shall not exceed fourteen (14)*; ~~and no more than two events may occur within one calendar month.~~ * No event shall last more than one day. Admissions to any one single-day event shall not exceed 4,500 persons. The decibel level output shall be limited to 96dB at the soundboard location for the stage.

STORMWATER RECOMMENDATION

Approved with conditions

- A revised construction drawing shall be submitted and approved prior to Final SP approval.

PUBLIC WORKS RECOMMENDATION

Condition if approved.

A traffic and parking study shall be conducted to determine any modifications to the existing parking and traffic management plans.

FIRE MARSHAL RECOMMENDATION

N/A

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all staff conditions.

CONDITIONS

1. Uses within this SP shall be limited to the specific uses as described in the SP document.
2. Any additional development not shown on the Council approved plan shall require Planning Commission and/or Council approval.
3. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.
4. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.
5. All Public Works requirements related to access, traffic, and special event traffic management, reporting and number of parking spaces shall be met with all future development.
6. Parking on the east side of Whites Creek shall be used for overflow parking only.

May 22, 2014, Planning Commission meeting

7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CN zoning district as of the date of the applicable request or application.

8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Swaggart presented the staff recommendation of approval with conditions.

John Haas, spoke in favor of the application, looking for a little more flexibility with the amphitheater.

Janie Layten, 6951 Old Hickory Blvd, spoke in favor of the application.

Larry Layten, 6951 Old Hickory Blvd, spoke in favor of the application and expressed excitement regarding the concert season.

Bill Reynolds, 3667 Knight Drive, spoke in favor of the application, loves what Fontanel has done for the community.

Jim Wood, 4972 Laws Road, spoke in favor of the application and noted that Fontanel owners have a high sense of civic pride.

Paula Jones, 4409 Whites Creek, spoke in favor of the application and noted that Fontanel owners are great to work with.

Zan Martin, 3504 Knight Road, spoke in favor of the application.

Pam Wood, 4972 Laws Road, spoke in favor of the application, loves the new life that Fontanel has brought to Whites Creek.

Vance Nichols, 3882 Knight Road, spoke in favor of the application, never experiences any issues with traffic or noise.

Steven Whitson, 4625 Whites Creek, spoke in favor of the application.

Larry (last name unclear), 404 Green Meadow Court, spoke in favor of the application and noted that Fontanel is a wonderful place that offers many free amenities to the community.

Richard (last name unclear, spoke in favor of the application and stated that Fontanel put Whites Creek on the map.

Marc Oswald, 4325 Estes Road, co-owner of Fontanel, spoke in favor of the application and noted that it is tough to book enough shows on Fridays and Saturdays because a lot of acts are already booked on those days in other cities. This request is not a deviation from the plan, it's an adjustment to the plan.

Helen Tarleton, 7135 Old Hickory Blvd, spoke in opposition to the application due to concerns with increased noise and traffic during the week, especially during the school year.

Steve Huff spoke in opposition to the application due to concerns with increased noise and traffic during the week, especially during the school year.

Alicia Batson, 4712 Lickton Pike, spoke in opposition to the application and stated that the 1000' notification is not fair; notifications should be sent out as far as the noise travels. Many people in the community were not notified about the community meeting.

Eric Tarleton, 7135 Old Hickory Blvd, spoke in opposition to the application and noted that sound level accountability is needed.

Jim Sherraden, 6956 Old Hickory Blvd, spoke in opposition to the application, loves Fontanel but they have poor communication skills. Increased noise and traffic are concerning, especially during the school year.

John Haas apologized that some people did not receive the notification for the community meeting. He clarified that Fontanel does have a monitor at the sound board and all noise levels have been in conformance with the SP.

Chairman McLean closed the Public Hearing.

Mr. Gee left the meeting at 6:39 p.m.

Mr. Clifton stated that while he is huge fan of Fontanel, he is not sure that moving toward weekday concerts is a good thing, especially during the school year.

Mr. Ponder stated that he would support an amendment.

Councilman Hunt moved and Mr. Ponder seconded the motion to approve with conditions.

Mr. Ponder amended the motion and Councilmember Hunt seconded the amendment to approve including all staff conditions with an additional condition placing a limit of three total weekday events per calendar year and that any weekday event can only be held during the summer break as designated on the official Metro school calendar and re-refer back to the Metro Planning Commission for reconsideration after the Council Public Hearing or disapproved without all conditions as amended. (6-0-1) Mr. Adkins abstained.

Resolution No. RS2014-139

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-022-008 is **Approved** including all staff conditions with an additional condition placing a limit of three total weekday events per calendar year and that any weekday event can only be held during the summer break as designated on the official Metro school calendar and re-refer back to the Metro Planning Commission for reconsideration after the Council Public Hearing or disapproved without all conditions as amended. (6-0-1)

CONDITIONS

1. Uses within this SP shall be limited to the specific uses as described in the SP document.
 2. Any additional development not shown on the Council approved plan shall require Planning Commission and/or Council approval.
 3. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.
 4. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.
 5. All Public Works requirements related to access, traffic, and special event traffic management, reporting and number of parking spaces shall be met with all future development.
 6. Parking on the east side of Whites Creek shall be used for overflow parking only.
 7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CN zoning district as of the date of the applicable request or application.
 8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
-